HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE G.V.SEETHAPATHY

WRIT PETITION NO.12327 of 2006

Between:

Bura Surendhar S/o Balraj, Occ: Agriculture
H.No.1-269, Bhimavaram, Near S.V.S.College,
Warangal District.

…Petitioner

A n d

The District Collector, Warangal District and others

…Respondents

:: **O R D E R** ::

Counsel for the Petitioner : Sri P.Sridhar Rao

Counsel for the Respondents 1 to 3 : Government Pleader for Panchayat Raj

Counsel for respondent No.4 : Sri V.V.Prabhakara Rao

01st August, 2006

Per G.S.Singhvi, C.J

In this petition, the petitioner has prayed for quashing the reservation of the office of Sarpanch of Bhimaram Gram Panchayat for Scheduled Tribe General.

The principal ground on which the petitioner has questioned the reservation of the office of sarpanch for Scheduled Tribe (General) is that the officers concerned did not take into consideration the population of various reserved categories and general category and have arbitrarily notified the office in question as reserved for Scheduled Tribe (General).

In the counter filed on behalf of respondent No.2 an effort has been made to justify the reservation of the office in question for Scheduled Tribe General by asserting that the reservation of the offices of Sarpanchas has been done in accordance with the statutory rules and by following policy of rotation.

We have heard learned counsel for the parties. In our opinion, it is not necessary to adjudicate on the tenability of the prayer made by the petitioner because any adjudication on the legality of the reservation of the office of Sarpanch would directly affect the candidature of those who have been found eligible to contest the election to be held on 6.8.2006 and none of them has been impleaded as party to the writ petition. In our considered view, without hearing the

persons likely to be affected by adjudication of the writ petition, this Court cannot annul the reservation of the office of Sarpanch of Gram Panchayat, Bhimaram village for Scheduled Tribe (General).

With the above observations, the writ petition is dismissed. However, we make it clear that this order shall not preclude the petitioner from challenging the result of the election by filing a petition under Section 233 of the Andhra Pradesh Gram Panchayat Act, 1994. In such petition, the petitioner shall also be entitled to question the reservation of the office of Sarpanch in favour of Scheduled Tribe (General).

As a sequel to dismissal of the main petition, W.P.M.P.Nos.15322 of 2006, 19021 of 2006 and 19022 of 2006 filed by the petitioner are disposed of as infructuous.

G.S.SINGHVI, CJ

G.V.SEETHAPATHY, J

01st August 2006
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(Order of the Bench delivered by
Hon'ble the Chief Justice)

DATED : 01.08.2006